

*W*



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,777	06/11/2001	Shinzaburou Takada	M1804-8	1492
7278	7590	02/13/2006	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			LIVERSEDGE, JENNIFER L	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/878,777	<b>Applicant(s)</b> TAKADA, SHINZABUROU	
	<b>Examiner</b> Jennifer Liversedge	<b>Art Unit</b> 3628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

The disclosure is objected to because of the following informalities: Figure 1, for example, contains cells and entries on the bottom half of the drawing which are unaddressed in the specification. Each aspect of the drawing must be addressed in the specification.

Appropriate correction is required.

The abstract of the disclosure is objected to because the abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Correction is required. See MPEP § 608.01(b).

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

Page 21, reference characters A0-A6;

Page 22, reference character A7;

Page 23, reference character A8;

Page 23, reference characters B0-B1.

Other such objections exist on the drawings and the Applicant is advised to review all drawings for similar corrections to be made.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 3-10, 13-20 and 23-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Claim(s) 3-6 contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make

and/or use the invention. It is unclear how the Applicant calculates Capital Cost by multiplying balance sheet assets by various WACC values. The Examiner is unable to discern how multiplying assets on a balance sheets leads to the cost of capital given the traditional meaning of cost of capital. For purposes of examination, the examiner will use the general equation that cost of capital = capital employed \* rate of capital cost and assume that the capital employed is the capital relative to the claimed equation as found on the balance sheet, for example, the portion of debt, equity, etc.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the data" and "the site" and "the head office" in lines 4-7. There is insufficient antecedent basis for this limitation in the claim. Further, the claim contains the acronym WACC without first defining the term. The Examiner will assume that the reference is to weighted average cost of capital. However, Applicant is advised to provide the full word and then make use of acronyms.

Claim 3 recites "the B/S assets". There is insufficient antecedent basis for this limitation in the claim. Further, it is not clear from the claim language what B/S assets are. The Examiner will assume that the reference is to balance sheet assets. However, the Applicant is advised to provide the full word and then make use of acronyms.

Art Unit: 3628

Further, Formula 5 would be more clear if the full equation were presented on one line (such as presented in claim 4) as opposed to one element of the formula being presented in the second line.

Claim 4 contains language which the Examiner is unable to discern the meaning of. The phrase "wherein the result evaluation adding said capital cost is made by presenting the results of said site before-tax net earnings as result indices" is unclear to the Examiner. For purposes of examination, the Examiner will interpret the language to mean that the result of the calculation will be displayed for viewing.

Claims 7-10 fail to identify the meets and bounds of the intended claim language by use of the language "to any of claim 3 (or 4, 5, or 6 as the case may be)". A dependent claim must depend in whole from the independent claim from which it depends.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3628

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Intermediate Financial Management, 6<sup>th</sup> ed. By Eugene F. Brigham et al. (1999) (further referred to as Brigham), and further in view of U.S. Patent No. 6,134,563 to Clancey et al. (further referred to as Clancey).

Regarding claim 1, Brigham discloses a management accounting method considering a time value for providing economic information on an enterprise comprising:

A second step of determining at least one of a before-tax WACC for the site and an after-tax WACC for the head office by the calculation equations of the following (page 166, equation 5-9 which can be derived to the formats as shown below) Formula 1 and Formula 2

Formula 1

$$\text{Site Before-Tax WACC} = \frac{K_D D + K_E E / (1-t)}{D + E}$$

Art Unit: 3628

## Formula 2

$$\text{Head Office After-Tax WACC} = \frac{K_D D^*(1-t) + K_E E}{D + E}$$

(By means of example, this equation is also clearly laid out in Investopedia.com showing the derived formula in the format as presented by the applicant)

Wherein the data of the target ROE of said first step are designated by the interest  $K_E$  of a stockholder's equity (page 72 under Return on Common Equity heading), and the stockholder's equity is designated by  $E$ , the debt with interest by  $D$ , the rate of the debt with interest by  $K_D$ , the effective tax rate by  $t$  and the weighted cost of capital by WACC;

A third step of determining a predicted cash flow, CF, by determining an earning before interest, tax, depreciation and amortization, EBITDA, from a predicted profit/loss statement and by applying an operating fund and a fixed assets investment to the calculation equation of the following Formula 3 (page 242 – 243 under the heading Identifying the Relevant Cash Flows)

## Formula 3

$$\text{Predicted CF} = \text{EDITDA} - \text{Operating Fund Increase} - \text{Fixed Assets Investment};$$

(By means of example, this equation is also clearly laid out in Corporate Finance by Ross et al. (1999) on pages 26-29)



Art Unit: 3628

And

A fourth step of either one of determining a net present value, NPV, of said predicted CF by applying said site before-tax WACC as a discount rate to the calculation equation of the following Formula 4, or determining the net present value, NPV, of said after-tax CF by applying said head office after-tax WACC as a discount rate to the calculation equation of said following Formula 4 (page 23 equation 2-6; page 209 equation 6-1; page 243-244 where it says "This is analogous to the procedures used in the corporate valuation model of Chapter 4 where the company's free cash flows are discounted at the WACC)

Formula 4

Net Present Value NPV of Predicted CF or After-Tax CF =

$$\frac{\sum \text{Predicted CF or After-Tax CF}}{(1 + \text{discount rate})^t}$$

wherein analysis is performed by calculating the net present value NPV of one of said predicted CF and said after-tax CF whether or not the investment has achieved the target ROE set as the management target.

Brigham does not disclose a first step of inputting the data of a target return on equity, ROE, to target ROE input cells on a worksheet. However, Clancey discloses inputting financial data into input cells on a worksheet including an ROE value (column 6, lines 54-66; column 8, lines 13-30; appendix 11). It would be obvious to one of

Art Unit: 3628

ordinary skill in the art to combine the use of inputting values for performing financial calculations as disclosed by Clancey with the financial principals and equations disclosed by Brigham. The motivation would be to utilize a computer spreadsheet to combine predefined equations with variables in which users could calculate actual or "what if" target or projected scenarios using the computer.

Regarding claim 2, Brigham does not disclose the management method according to claim 1 wherein said worksheet is on a memory component of a data storage means of a computer system, said computer system further comprising data display means for operating according to calculations equations described in the cells on said worksheet. However, Clancey discloses the management method wherein said worksheet (column 6, lines 59-66; column 8, lines 13-18) is on a memory component of a data storage means of a computer system (column 6, lines 49-59; column 7, lines 45-55), said computer system further comprising data display means (column 7, lines 1-3 and lines 38-43) for operating according to calculations equations described in the cells on said worksheet (column 6, line 49 – column 7, line 55; column 10, lines 30-35). It would be obvious to one of ordinary skill in the art to combine the use of memory and data storage for displaying and performing calculations as disclosed by Clancey with the financial principals and equations disclosed by Brigham. The motivation would be to utilize a computer spreadsheet to combine predefined equations with variables and values inputted in which users could calculate and perform formulas using the computer and to see the results displayed on the screen.

Regarding claim 3, Brigham discloses the management accounting method considering a time value according to Claim 2, further comprising a fifth step of determining a capital cost or the time value by applying the balance sheet assets determined from a predicted balance sheet and said site before-tax WACC to the calculation equation of the following Formula 5 (page 145 under the heading of The Weighted Average Cost of Capital – page 146, first paragraph)

Formula 5

Capital Cost = B/S Assets \* Site Before-Tax WACC

(As explained in the 112 rejection, it is unclear how the Applicant calculates Capital Cost by multiplying balance sheet assets by various WACC values. The Examiner is unable to discern how multiplying assets on a balance sheets leads to the cost of capital given the traditional meaning of cost of capital. For purposes of examination, the examiner will use the general equation that cost of capital = capital employed \* rate of capital cost and assume that the capital employed is the capital relative to the claimed equation as found on the balance sheet, for example, the portion of debt, equity, etc. This definition is further provided, for example, in the Knowledge Exchange Business Encyclopedia, edited by L. Spurge, 1997 page 164 in which cost of capital is defined as the payments that a company makes for its various sources of

Art Unit: 3628

capital. Again, this definition is consistent with the equation  $\text{cost of capital} = \text{capital employed} * \text{rate of capital cost}$ ).

And

A sixth step of determining the site before-tax net earnings by applying the EDITDA determined from said predicted profit/loss statement, the depreciation expenses and said capital cost to the calculation equation of the following Formula 6 (page 55 – page 56 regarding income statement)

Formula 6

$$\text{Site Before-Tax Net Earning} = \text{EBITDA} - \text{Depreciation Expenses} - \text{Capital Cost}$$

(this equation is also well defined in the Knowledge Exchange Business Encyclopedia, edited by L. Spurge, 1997, page 221 see EBIT, page 320- 321 see income statement, and page 419 see net income)

Wherein analysis is performed by calculating said site before-tax net earnings and said net present value NPV whether or not the plan of the profit/loss calculations has achieved the target ROE.

Regarding claim 4, Brigham discloses the management accounting method considering a time value according to Claim 2, further comprising:

Art Unit: 3628

a seventh step of determining a capital cost or the time value by applying the balance sheet assets determined from the result of a balance sheet and said site before-tax WACC to the calculation equation of the following Formula 5 (page 145 under the heading of The Weighted Average Cost of Capital – page 146, first paragraph)

## Formula 5

$$\text{Capital Cost} = \text{B/S Assets} * \text{Site Before-Tax WACC}$$

(As explained in the 112 rejection, it is unclear how the Applicant calculates Capital Cost by multiplying balance sheet assets by various WACC values. The Examiner is unable to discern how multiplying assets on a balance sheets leads to the cost of capital given the traditional meaning of cost of capital. For purposes of examination, the examiner will use the general equation that cost of capital = capital employed \* rate of capital cost and assume that the capital employed is the capital relative to the claimed equation as found on the balance sheet, for example, the portion of debt, equity, etc. This definition is further provided, for example, in the Knowledge Exchange Business Encyclopedia, edited by L. Spurge, 1997 page 164 in which cost of capital is defined as the payments that a company makes for its various sources of capital. Again, this definition is consistent with the equation cost of capital = capital employed \* rate of capital cost).

Art Unit: 3628

And

An eighth step of determining a site before-tax earning by applying the EDITDA determined from the result of said profit/loss statement, depreciation expenses and said capital cost to the calculation equation of the following Formula 6 (page 55 – page 56 regarding income statement)

Formula 6

Site Before-Tax Net Earning = EBITDA – Depreciation Expenses – Capital Cost

(this equation is also well defined in the Knowledge Exchange Business Encyclopedia, edited by L. Spurge, 1997, page 221 see EBIT, page 320- 321 see income statement, and page 419 see net income).

Brigham does not disclose wherein the result evaluation adding said capital cost is made by presenting the results of said site before-tax net earning as a result indices. However, (given the interpretation as provided in the 112 rejection) Clancey discloses wherein the result evaluation adding said capital cost is made by presenting the results of said site before-tax net earning as a result indices (column 7, lines 1-3 and lines 39-42; column 8, lines 13-21; column 10, lines 31-38). It would be obvious to one of ordinary skill in the art to combine the use of presenting the calculated results as disclosed by Clancey with the financial principals and equations disclosed by Brigham. The motivation would be to utilize a computer spreadsheet to combine predefined

Art Unit: 3628

equations with variables in which users could calculate actual or "what if" target or projected scenarios using the computer and then display on the results of the calculations performed on the computer.

Regarding claim 5, Brigham discloses the management accounting method considering a time value according to Claim 2, further comprising: a ninth step of determining a creditor's capital cost or the time value by applying the balance sheet assets determined from a predicted balance sheet and the before-tax debt with interest to the calculation equation of the following Formula 7 (page 145 under the heading of The Weighted Average Cost of Capital – page 146, first paragraph)

Formula 7

Creditor's Capital Cost = B/S Assets \* Rate of Before-Tax Debt with Interest

(As explained in the 112 rejection, it is unclear how the Applicant calculates Capital Cost by multiplying balance sheet assets by various WACC values. The Examiner is unable to discern how multiplying assets on a balance sheets leads to the cost of capital given the traditional meaning of cost of capital. For purposes of examination, the examiner will use the general equation that cost of capital = capital employed \* rate of capital cost and assume that the capital employed is the capital relative to the claimed equation as found on the balance sheet, for example, the portion of debt, equity, etc. This definition is further provided, for example, in the Knowledge

Art Unit: 3628

Exchange Business Encyclopedia, edited by L. Spurge, 1997 page 164 in which cost of capital is defined as the payments that a company makes for its various sources of capital. Again, this definition is consistent with the equation cost of capital = capital employed \* rate of capital cost).

And

A tenth step of determining a stockholder's capital cost or the time value by applying the balance sheet assets determined from a predicted balance sheet and the rate of the after-tax stockholder's equity to the calculation equation of the following Formula 8 (page 145 under the heading of The Weighted Average Cost of Capital – page 146, first paragraph)

Formula 8

Stockholder's Capital Cost = B/S Assets \* Rate of After-tax Stockholder's Equity

(As explained in the 112 rejection, it is unclear how the Applicant calculates Capital Cost by multiplying balance sheet assets by various WACC values. The Examiner is unable to discern how multiplying assets on a balance sheets leads to the cost of capital given the traditional meaning of cost of capital. For purposes of examination, the examiner will use the general equation that cost of capital = capital employed \* rate of capital cost and assume that the capital employed is the capital relative to the claimed equation as found on the balance sheet, for example, the portion



Art Unit: 3628

of debt, equity, etc. This definition is further provided, for example, in the Knowledge Exchange Business Encyclopedia, edited by L. Spurge, 1997 page 164 in which cost of capital is defined as the payments that a company makes for its various sources of capital. Again, this definition is consistent with the equation  $\text{cost of capital} = \text{capital employed} * \text{rate of capital cost}$ ).

And

An eleventh step of determining the head office after-tax net earning by applying the EDITDA determined from the result of said predicted profit/loss statement, depreciation expenses and said creditor's capital cost, the tax and said stockholder's capital cost to the calculation equation of the following Formula 9 (page 55 – page 56 regarding income statement)

Formula 9

$$\begin{aligned} \text{Head Office After-Tax Net Earnings} = & \text{EBITDA} - \text{Depreciation Expenses} - \\ & \text{Creditor's Capital Cost} - \text{Tax} - \text{Stockholder's Capital Cost} \end{aligned}$$

(this equation is also well defined in the Knowledge Exchange Business Encyclopedia, edited by L. Spurge, 1997, page 221 see EBIT, page 320- 321 see income statement, and page 419 see net income)

Art Unit: 3628

Wherein it is analyzed by calculating said head office after-tax net earning and its net present value NPV whether or not the plan of the profit/loss calculations has achieved the target ROE set as the management target.

Regarding claim 6, Brigham discloses the management accounting method considering a time value according to Claim 2, further comprising:

a twelfth step of determining a creditor's capital cost or the time value by applying the balance sheet assets determined from the result of a balance sheet and the rate of the before-tax debt with interest to the calculation equation of the following Formula 7 (page 145 under the heading of The Weighted Average Cost of Capital – page 146, first paragraph)

Formula 7

Creditor's Capital Cost = B/S Assets \* Rate of Before-Tax Debt with Interest

(As explained in the 112 rejection, it is unclear how the Applicant calculates Capital Cost by multiplying balance sheet assets by various WACC values. The Examiner is unable to discern how multiplying assets on a balance sheets leads to the cost of capital given the traditional meaning of cost of capital. For purposes of examination, the examiner will use the general equation that cost of capital = capital employed \* rate of capital cost and assume that the capital employed is the capital relative to the claimed equation as found on the balance sheet, for example, the portion

Art Unit: 3628

of debt, equity, etc. This definition is further provided, for example, in the Knowledge Exchange Business Encyclopedia, edited by L. Spurge, 1997 page 164 in which cost of capital is defined as the payments that a company makes for its various sources of capital. Again, this definition is consistent with the equation  $\text{cost of capital} = \text{capital employed} * \text{rate of capital cost}$ ).

And

A thirteenth step of determining the stockholder's capital cost or the time value by applying the balance sheet assets determined from the result of the balance sheet and the rate of the after-tax stockholder's equity to the calculation equation of the following Formula 8 (page 145 under the heading of The Weighted Average Cost of Capital – page 146, first paragraph)

Formula 8

$\text{Stockholder's Capital Cost} = \text{B/S Assets} * \text{Rate of After-tax Stockholder's Equity}$

(As explained in the 112 rejection, it is unclear how the Applicant calculates Capital Cost by multiplying balance sheet assets by various WACC values. The Examiner is unable to discern how multiplying assets on a balance sheets leads to the cost of capital given the traditional meaning of cost of capital. For purposes of examination, the examiner will use the general equation that  $\text{cost of capital} = \text{capital employed} * \text{rate of capital cost}$  and assume that the capital employed is the capital

Art Unit: 3628

relative to the claimed equation as found on the balance sheet, for example, the portion of debt, equity, etc. This definition is further provided, for example, in the Knowledge Exchange Business Encyclopedia, edited by L. Spurge, 1997 page 164 in which cost of capital is defined as the payments that a company makes for its various sources of capital. Again, this definition is consistent with the equation  $\text{cost of capital} = \text{capital employed} * \text{rate of capital cost}$ ).

And

A fourteenth step of determining the head office after-tax net earning by applying the EBITDA determined from the result of the profit/loss statement, the depreciation expenses, said creditor's capital cost, the tax and said stockholder's capital cost to the calculation equation of the following Formula 9 (page 55 – page 56 regarding income statement)

Formula 9

$$\begin{aligned} \text{Head Office After-Tax Net Earnings} = & \text{EBITDA} - \text{Depreciation Expenses} - \\ & \text{Creditor's Capital Cost} - \text{Tax} - \text{Stockholder's Capital Cost} \end{aligned}$$

(this equation is also well defined in the Knowledge Exchange Business Encyclopedia, edited by L. Spurge, 1997, page 221 see EBIT, page 320- 321 see income statement, and page 419 see net income).

Art Unit: 3628

Brigham does not disclose wherein the result of said head office after-tax net earning is presented as result indices to evaluate the results adding the stockholder's capital cost. However, Clancey discloses wherein the result of said head office after-tax net earning is presented as result indices to evaluate the results adding the stockholder's capital cost (column 7, lines 1-3 and lines 39-42; column 8, lines 13-21; column 10, lines 31-38). It would be obvious to one of ordinary skill in the art to combine the use of presenting the calculated results as disclosed by Clancey with the financial principals and equations disclosed by Brigham. The motivation would be to utilize a computer spreadsheet to combine predefined equations with variables in which users could calculate actual or "what if" target or projected scenarios using the computer and then display on the results of the calculations performed on the computer.

Regarding claims 7-10, Brigham does not disclose the management accounting method considering a time value according to any of claim 3, further comprising:

A fifteenth step of displaying at least one of the site profit/loss statement containing capital cost display cells and before-tax net earning display cells and head office profit/loss statement containing stockholder's capital cost display cells and after-tax net earning display cells.

However, Clancey discloses the management accounting method considering a time value according to any of claim 3, further comprising:

A fifteenth step of displaying at least one of the site profit/loss statement containing capital cost display cells and before-tax net earning display cells and head

Art Unit: 3628

office profit/loss statement containing stockholder's capital cost display cells and after-tax net earning display cells (column 7, lines 1-3 and lines 39-42; Appendices 3-11). It would be obvious to one of ordinary skill in the art to combine the displaying of calculated values as disclosed by Clancey with the financial principals and equations disclosed by Brigham. The motivation would be to utilize a computer spreadsheet to combine predefined equations with variables in which users could calculate actual or "what if" target or projected scenarios using the computer and then display on the results of the calculations performed on the computer.

Regarding claims 11-20, the combination of Brigham and Clancey as disclosed in independent claim 1 discloses the means for realizing the individual steps constructing of said management accounting method considering a time value according to Claims 1-10, the combinations and motivations provided in the rejections of Claims 1-10.

Regarding claims 21-30, Brigham does not disclose a computer-readable recording medium recorded with programs for causing a computer to execute the individual steps constructing the management accounting method considering a time value according to claims 1-10. However, Clancey discloses a computer-readable recording medium recorded with programs for causing a computer to execute the individual steps constructing the management accounting method considering a time value according to claims 1-10 (column 6, line 49-column 8, line 34; column 10, lines 30-38; column 22, lines 61-67; Appendix 3-11). It would be obvious to one of ordinary

Art Unit: 3628

skill in the art to combine the calculating and displaying of calculated values as disclosed by Clancey with the financial principals and equations disclosed by Brigham. The motivation would be to utilize a computer spreadsheet to combine predefined equations with variables in which users could calculate actual or "what if" target or projected scenarios using the computer and then display on the results of the calculations performed on the computer.

### ***Conclusion***

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached at 571-272-6799. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Art Unit: 3628

Examiner

Art Unit 3628



HYUNG SOUGH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600